

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

1 Ramiro Camacho, Jr.,

2 Plaintiff

Case No. 2:22-cv-00765-JAD-BNW

3 v.

4 Warden Johnson, *et al.*,

5 Defendants

6 **ORDER**7 **I. DISCUSSION**

8 On May 16, 2022, Plaintiff Ramiro Camacho, Jr., an inmate in the custody of the Nevada
 9 Department of Corrections (“NDOC”), submitted a document titled “Emergency Injunction for
 10 Relief.” (ECF No. 1-1). Plaintiff has not filed a complaint, nor has he paid the fee for filing a
 11 civil action or applied to proceed *in forma pauperis* if he cannot afford to pay the fee.

12 Federal Rule of Civil Procedure 3 provides that “[a] civil action is commenced by filing a
 13 complaint with the court.” Fed. R. Civ. P. 3. The document that Plaintiff filed does not constitute
 14 a complaint. As such, the Court grants Plaintiff until **July 19, 2022**, to submit a complaint to this
 15 Court. The sooner Plaintiff files a complaint and complies with the orders below, the sooner the
 16 Court can address his motion for injunctive relief.

17 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil
 18 action in this Court may apply to proceed *in forma pauperis* to file the civil action without
 19 prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit
 20 all three of the following documents to the Court:

21 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s
 22 approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
 23 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
 24 official (i.e., page 4 of this Court’s approved form), and
 25 (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous**
 26 **six-month period**.

27 The Court will grant Plaintiff a **one-time** opportunity to file a complaint and a fully
 28 complete application to proceed *in forma pauperis* containing all three of the required

1 documents, or in the alternative, pay the full \$402 filing fee for this action on or before **July 19,**
2 **2022.** Absent unusual circumstances, the Court will not grant any further extensions of time. If
3 Plaintiff is unable to file a complaint and a fully complete application to proceed *in forma*
4 *pauperis* with all three required documents or pay the full \$402 filing fee on or before **July 19,**
5 **2022**, this case will be subject to dismissal without prejudice for Plaintiff to file a new case with
6 the Court when Plaintiff is able to file a complaint and able to acquire all three of the documents
7 needed to file a fully complete application to proceed *in forma pauperis* or pay the full \$402
filing fee.

8 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
9 with the Court, under a new case number, when Plaintiff is able to file a complaint and has all
10 three documents needed to submit with an application to proceed *in forma pauperis*.
11 Alternatively, Plaintiff may choose not to file an application to proceed *in forma pauperis* and
12 instead pay the full filing fee of \$402 on or before **July 19, 2022**, to proceed with this case.

13 **II. CONCLUSION**

14 For the foregoing reasons, **IT IS ORDERED** that Plaintiff will submit a complaint to this
15 Court on or before **July 19, 2022**.

16 **IT IS FURTHER ORDERED** that the Clerk of the Court will send to Plaintiff the
17 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The Clerk
18 of the Court will also send Plaintiff a copy of his “Emergency Injunction for Relief.” (ECF No.
19 1-1).

20 **IT IS FURTHER ORDERED** that the Clerk of the Court will send Plaintiff the
21 approved form application to proceed *in forma pauperis* by an inmate, as well as the document
22 entitled information and instructions for filing an *in forma pauperis* application.

23 **IT IS FURTHER ORDERED** that on or before **July 19, 2022**, Plaintiff will either pay
24 the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52
25 administrative fee) or file with the Court:

26 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court’s
27 approved form (i.e. pages 1 through 3 of the form with the inmate’s two signatures on

1 page 3),
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3 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
4 official (i.e., page 4 of this Court's approved form), and

5 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous
six-month period.**

6 **IT IS FURTHER ORDERED** that, if Plaintiff does not file a complaint and a fully
7 complete application to proceed *in forma pauperis* with all three documents or pay the full \$402
8 filing fee for a civil action on or before **July 19, 2022**, this case will be subject to dismissal
9 without prejudice for Plaintiff to refile the case with the Court, under a new case number, when
10 Plaintiff is able to file a complaint and has all three documents needed to file a complete
11 application to proceed *in forma pauperis* or pays the full \$402 filing fee.

12 DATED: May 22, 2022.

13 
14 BRENDAG WEKSLER
15 UNITED STATES MAGISTRATE JUDGE
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